

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Petition of TeleGuam Holdings, LLC for Waiver)
and Certain Other Relief)
)
Affordable Connectivity Program) WC Docket No. 21-450
)
Lifeline and Link Up Reform and Modernization) WC Docket No. 11-42
)
Schools and Libraries Universal Support) CC Docket No. 02-6
Mechanism)
)
Rural Health Care Universal Service Support) WC Docket No. 02-60
Mechanism)
)
Connect America Fund) WC Docket No. 10-90
)
Universal Service Contribution Methodology) WC Docket No. 06-122
)
Telephone Number Portability) CC Docket No. 95-116
)
Numbering Resource Optimization) CC Docket No. 99-200
)
)

ORDER

Adopted: June 30, 2023

Released: June 30, 2023

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, we address an emergency petition filed by TeleGuam Holdings, LLC d/b/a GTA (TeleGuam) by waiving several Commission rules and deadlines to assist participants and providers located in the areas impacted by Typhoon Mawar, which made landfall on Guam on May 24, 2023. In order to ensure telecommunications consumers can retain their services after the storm, we also waive, on our own motion, certain rules and deadlines for all participants and service providers in Guam and the Northern Mariana Islands. Because of these compelling and unique circumstances, we find good cause to waive certain rules and deadlines to assist participants, service providers, and Universal Service Fund (USF) contributors in the affected areas.

1 See Petition for Waiver by TeleGuam Holdings, LLC, WC Dockets No. 10-90, 11-42, and 21-450 (filed June 20, 2023) (TeleGuam Emergency Petition).

2 See Schools and Libraries Universal Service Support Mechanism; Establishing the Emergency Connectivity Fund to Close the Homework Gap; Rural Health care Universal Support Mechanism; COVID-19 Telehealth Program; Universal Service Contribution Methodology; Lifeline and Link Up Reform and Modernization; Affordable

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II. BACKGROUND

2. On Wednesday, May 24, 2023, Typhoon Mawar struck the Territories of Guam and the Northern Mariana Islands, toppling power lines, damaging and destroying homes, buildings, and infrastructure, and causing widespread power outages that could last for months.³ Roughly half the Territory of Guam's residents are without power and water approximately three weeks after the typhoon with hundreds being displaced from their homes.⁴ In its initial assessment, the government says the Territory of Guam's commercial sector suffered \$112 million in damage.⁵ The Northern Mariana Islands experienced damage to critical infrastructure such as electricity and water due to the typhoon, with the island of Rota briefly losing all electrical power.⁶ Rota was struck by the storm as it moved northwest from Guam.⁷ The President has approved major disaster declarations for the Territory of Guam and the Commonwealth of the Northern Mariana Islands allowing authorities to provide disaster relief.⁸

3. Historically, the Wireline Competition Bureau (Bureau) has granted waivers of certain Universal Service Fund (USF) Program deadlines for areas affected by natural disasters.⁹ For the

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Connectivity Program; Connect America Fund, CC Docket No. 02-6, WC Docket Nos. 21-93, 02-60, 20-89, 06-122, 11-42, 21-450, and 10-90, Order, DA 22-1063 (WCB Oct. 4, 2022) *Schools and Libraries Universal Service Support Mechanism; Rural Health Care Universal Service Support Mechanism; Lifeline and Link Up Reform and Modernization; Universal Service Contribution Methodology*, CC Docket No. 02-6, WC Docket Nos. 02-60, 11-42, and 06-122, Order, 32 FCC Rcd 7456 (2017) (waiving certain E-Rate, RHC, Lifeline, and contribution rules and deadlines for areas impacted by Hurricanes Harvey, Irma, and Maria); *Federal-State Joint Board on Universal Service; Schools and Libraries Universal Service Support Mechanism; Rural Health Care Support Mechanism; Lifeline and Link-Up*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60 and 03-109, Order, 20 FCC Rcd 16883 (2005) (adopting temporary rules to provide rural and non-rural public and nonprofit health care providers in areas devastated by Hurricane Katrina, and in areas where evacuees are located, with assistance in order to help in the recovery efforts); *Telephone Number Portability; Numbering Resource Optimization*, CC Docket Nos. 95-116, 99-200, DA 22-284 (WCB Sept. 20, 2022) (temporarily waiving the Commission's telephone number "aging" rule and encouraging service providers to port telephone numbers geographically outside a rate center, to the extent it is technically feasible); *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

³ See Residents of Guam Still Recovering after Typhoon, Federal News Network (June 12, 2023), <https://federalnewsnetwork.com/defense-main/2023/06/residents-of-guam-still-recovering-after-typhoon/>.

⁴ *Id.*

⁵ See Guam is Still Recovering from Typhoon Mawar, But Residents are Taking it in Stride, NPR (June 8, 2023), <https://www.npr.org/2023/06/08/1181011333/guam-is-still-recovering-from-typhoon-mawar-but-residents-are-taking-it-in-stride>.

⁶ Guam Breathes Sigh of Relief as Island Weathers Super Typhoon Mawar Without Single Death, The Independent (May 26, 2023), <https://www.independent.co.uk/climate-change/news/guam-typhoon-mawar-update-b2346339.html>.

⁷ See Rota Recovery Efforts in Full Swing, Saipan Tribune (May 29, 2023), <https://www.saipantribune.com/index.php/rota-recovery-efforts-in-full-swing/>.

⁸ See The White House, President Joseph R. Biden, Jr. Approves Guam Disaster Declaration (May 25, 2023), <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/05/25/president-joseph-r-biden-jr-approves-guam-disaster-declaration/>; The White House, President Joseph R. Biden, Jr. Approves Commonwealth of the Northern Mariana Islands Disaster Declaration (June 2, 2023), <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/06/02/president-joseph-r-biden-jr-approves-commonwealth-of-the-northern-mariana-islands-disaster-declaration/>. See also FEMA, President Joseph R. Biden, Jr. Amends Guam's Major Disaster Declaration Authorizing Additional Federal Assistance to Help Individuals and Families Jumpstart Recovery Following Typhoon Mawar (May 29, 2023).

⁹ See, e.g., *Schools and Libraries Universal Service Support Mechanism; Rural Health Care Universal Support Mechanism; Lifeline and Link Up Reform Modernization; Connect America Fund; Federal-State Joint Board on Universal Service High-Cost Universal Service Support; Establishing Emergency Connectivity Fund to Close the*

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purposes of the waivers we grant today, we define “Affected Disaster Areas” as the areas in the Territory of Guam and the Commonwealth of the Northern Mariana Islands that the Federal Emergency Management Agency (FEMA) has designated as eligible for Individual or Public Assistance for the purposes of federal disaster relief as of the date of release of this Order.¹⁰

III. DISCUSSION

4. In response to the damage caused by Typhoon Mawar, we waive various provisions of the Lifeline, Affordable Connectivity Program (ACP), E-Rate, Rural Health Care (RHC) Program, and High Cost rules for those Federal Communications Commission (FCC or Commission) programs’ participants and for USF contributors located in Guam and the Northern Mariana Islands,¹¹ as well as the Commission’s telephone number “aging” rule for all telecommunications service and interconnected voice over Internet Protocol (VoIP) providers serving Guam and the Northern Mariana Islands. Generally, the Commission’s rules may be waived for good cause shown.¹² The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.¹³ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.¹⁴

A. Lifeline

5. We, on our own motion, waive the Lifeline non-usage, recertification, and reverification requirements for subscribers residing in Guam and the Northern Mariana Islands.¹⁵ We find that good

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Homework Gap; Emergency Broadband Benefits Program, CC Docket No. 02-6, WC Docket No. 02-60, WC Docket No. 11-42, WC Docket No. 10-90, WC Docket No. 05-337, WC Docket No. 21-93, WC Docket No. 20-445, Order, 36 FCC Rcd 13405 (WCB 2021) (*Hurricane Ida Order*); *Schools and Libraries Universal Service Support Mechanism; Rural Health Care Universal Support Mechanism; Lifeline and Link Up Reform Modernization*, CC Docket No. 02-6, WC Docket No. 02-60, WC Docket No. 11-42, Order, 32 FCC Rcd 7456, 7457, para. 2 (WCB 2017) (*Hurricanes Harvey, Irma, and Maria Order*); *Schools and Libraries Universal Support Mechanism*, WC Docket No. 02-6, Order, 34 FCC Rcd 56, 57, para. 2 (WCB 2019) (*California Wildfires Order*); *Request for Waiver of Section 54.514 of the Commission’s Rules by Florida Department of Management Services; Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Order, 33 FCC Rcd 10186, 10188, para. 5 (WCB 2018) (*Florida Hurricanes Order*); *Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Order, 32 FCC Rcd 9538, 9540, para. 4 (2017) (*FCC Hurricanes Harvey, Irma, and Maria Order*); *Federal-State Joint Board on Universal Service; Schools and Libraries Universal Service Support Mechanism; Rural Health Care Support Mechanism*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60 and 03-109, Order, 20 FCC Rcd 16883, 16885, para. 4 (2005) (*Hurricane Katrina Order*); *Telephone Number Portability; Numbering Resource Optimization*, CC Docket Nos. 95-116, 99-200, DA 22-284 (WCB Sept. 20, 2022).

¹⁰ See FEMA, <https://www.fema.gov/disaster/current/typhoon-mawar> (last visited June 26, 2023).

¹¹ We recognize that entities in the Affected Disaster Areas may need additional relief relating to E-Rate, RHC, Lifeline, High Cost, Contributions, and ACP obligations not addressed in this Order as they complete assessments of the damage to their networks; such entities should request specific relief to address these individualized circumstances from the Bureau.

¹² 47 CFR § 1.3.

¹³ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio*, 418 F.2d at 1159.

¹⁴ *Northeast Cellular*, 897 F.2d at 1166.

¹⁵ We note that TeleGuam requests a 90-day extension of the Lifeline recertification requirements for its subscribers. *TeleGuam Emergency Petition* at 10-11. However, we do not believe that the situation calls for such a lengthy extension to what is already a 60-day process for consumers, and we believe that any extension should be applicable to all subscribers located in Guam and the Northern Mariana Islands. As such, we believe a further 60 days is appropriate. We also note that the items in TeleGuam’s petition not acted on today remain pending. See *TeleGuam Emergency Petition* at 7-8, 10-11 (requesting modifications to the programs that qualify consumers for Lifeline, the

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cause exists to waive sections 54.405(e)(3), 54.405(e)(4), 54.407(c)(2), and 54.410(f) of the Commission's rules for eligible telecommunications carriers (ETCs) serving Lifeline subscribers residing in Guam and the Northern Mariana Islands through August 31, 2023.¹⁶ Given the damage caused by Typhoon Mawar to infrastructure in the Affected Disaster Areas, strict compliance with these rules may be impracticable and may risk harm to Lifeline subscribers who may be inappropriately de-enrolled during the recovery efforts.¹⁷

6. To promote the maintenance and rebuilding of communities affected by Typhoon Mawar and to facilitate continued access to telecommunications services for disaster victims, we find it is in the public interest to temporarily waive sections 54.405(e)(3) and 54.407(c)(2) of the Commission's rules.¹⁸ Under these rules, ETCs must de-enroll Lifeline subscribers who do not pay a monthly fee for their Lifeline-supported service and do not use that service for 30 consecutive days.¹⁹ Waiving these rules will help low-income consumers retain access to emergency communications services during this natural disaster, and allows ETCs to continue providing Lifeline service to disaster victims in the Affected

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options for support, the overall support amount, and the time periods in which service providers need to file claims for reimbursement from the Lifeline program).

¹⁶ See 47 CFR §§ 54.405(e)(3), 54.405(e)(4), 54.407(c)(2), 54.410(f).

¹⁷ See *Schools and Libraries Universal Service Support Mechanism, Rural Health Care Universal Service Support Mechanism, Lifeline and Link Up Reform and Modernization, Universal Service Contribution Methodology*, CC Docket No. 02-6, WC Docket No. 02-60, WC Docket No. 11-42, WC Docket No. 06-122, *Order*, 32 FCC Rcd. 7456 (2017) (waiving certain E-rate, RHC, Lifeline and contribution rules and deadlines for areas impacted by Hurricanes Harvey, Irma, and Maria); *Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, *Order*, 32 FCC Rcd 6846 (2017) (waiving Lifeline rules for areas in Puerto Rico and the U.S. Virgin Islands impacted by Hurricane Irma); *Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, *Order*, 33 FCC Rcd 11236 (2018) (waiving Lifeline rules for areas in Florida impacted by Hurricane Michael); *Schools and Libraries Universal Service Support Mechanism, Rural Health Care Universal Service Support Mechanism, Lifeline and Link Up Reform and Modernization, Connect America Fund, Federal and State Joint Board on Universal Service High Cost Universal Service Support, Establishing Emergency Connectivity Fund to Close the Homework Gap, Emergency Broadband Benefit Program*, CC Docket No. 02-06, WC Docket No. 02-60, WC Docket No. 11-42, WC Docket No. 10-90, WC Docket No. 05-337, WC Docket No. 21-93, WC Docket No. 20-445, 36 FCC Rcd 13405 (WCB 2021) (waiving certain E-Rate, Rural Health Care, Lifeline, High Cost, Emergency Connectivity Fund, and Emergency Broadband Benefit rules and deadlines to assist participants and providers located in the areas affected by Hurricane Ida); *Schools and Libraries Universal Service Support Mechanism, Rural Health Care Universal Service Support Mechanism, Lifeline and Link Up Reform and Modernization, Universal Service Contribution Methodology, Establishing the Emergency Connectivity Fund to Close the Homework Gap, COVID-19 Telehealth Program, Affordable Connectivity Program*, CC Docket No. 02-6, WC Docket No. 02-60, WC Docket No. 11-42, WC Docket No. 06-122, WC Docket No. 21-93, WC Docket No. 20-89, WC Docket No. 21-450, *Order*, DA-22-998 (WCB 2022) (waiving certain E-Rate, Emergency Connectivity Fund, Rural Health Care, COVID-19 Telehealth, Lifeline, and ACP rules and deadlines to assist participants and service providers, including Universal Service Fund contributors located in the areas affected by Hurricane Fiona); *Schools and Libraries Universal Service Support Mechanism, Rural Health Care Universal Service Support Mechanism, Lifeline and Link Up Reform and Modernization, Universal Service Contribution Methodology, Establishing the Emergency Connectivity Fund to Close the Homework Gap, COVID-19 Telehealth Program, Affordable Connectivity Program, Connect America Fund*, CC Docket No. 02-6, WC Docket No. 02-60, WC Docket No. 11-42, WC Docket No. 06-122, WC Docket No. 21-93, WC Docket No. 20-89, WC Docket No. 21-450, WC Docket No. 10-90, *Order*, DA-22-1063 (WCB 2022) (waiving certain E-Rate, Emergency Connectivity Fund, Rural Health Care, COVID-19 Telehealth, Lifeline, High Cost, and ACP rules and deadlines to assist participants and service providers, including Universal Service Fund contributors, located in the areas affected by Hurricane Ian).

¹⁸ 47 CFR §§ 54.405(e)(3), 54.407(c)(2).

¹⁹ See *id.*

Disaster Areas without requiring those subscribers to de-enroll and re-enroll in the program as they continue to work through the damage of Typhoon Mawar.²⁰

7. We also find that good cause exists to waive sections 54.405(e)(4) and 54.410(f) of the Commission's rules, which require Lifeline subscribers to demonstrate continued eligibility for the program, through August 31, 2023.²¹ This waiver will prevent the de-enrollment of any Lifeline subscribers who would otherwise have been required to certify their continued eligibility to the National Verifier during the waiver period.²² Waiver of these rules will allow the Universal Service Administrative Company (USAC) and ETCs serving Lifeline subscribers in Guam and the Northern Mariana Islands additional time to complete the recertification process. Disruptions to telephone and Internet service resulting from the typhoon could make it difficult, if not impossible, for Lifeline subscribers to receive and respond to recertification requests and reminders. At the expiration of the waiver period, recertification efforts will resume and subscribers who were subject to the waiver will have an additional 60 days to respond to recertification notices.

8. Where USAC has already conducted recertification outreach, we direct USAC to not conduct de-enrollments for any subscriber who would have been de-enrolled, and was not actually de-enrolled, after June 30, 2023. USAC should send new outreach to these subscribers at the end of this waiver period, as is practicable, and give such subscribers an additional 60 days to complete their recertification activity. Any subscriber who has already recertified their eligibility is not required to undergo an additional recertification at the end of the waiver period, and any subscriber who had previously de-enrolled from the program must re-enroll pursuant to the Commission's rules.

9. USAC also conducts a one-time reverification of eligibility for each existing Lifeline subscriber to confirm that all existing Lifeline subscribers meet the National Verifier's eligibility standards. We direct USAC not to de-enroll any Lifeline subscriber residing in Guam or the Northern Mariana Islands for failure to successfully respond to a pending reverification request with documentation deadlines that will occur before August 31, 2023. We also direct USAC not to open any new reverification requests requiring documentation for Lifeline subscribers or ETCs in Guam or the Northern Mariana Islands until after August 31, 2023 and to provide impacted subscribers a new opportunity to provide any necessary eligibility documentation after the end of the waiver period.

10. ETCs in Affected Disaster Areas that are unable to comply with the Lifeline non-usage, recertification, and reverification requirements at the end of this waiver period may request additional, narrowly tailored relief from these requirements from the Bureau. Additionally, if the typhoon has significantly impacted an ETC's ability to complete an ongoing Lifeline audit, the Bureau will consider requests for extension of any relevant deadlines on a case-by-case basis.

B. Affordable Connectivity Program

11. In order to promote continued access to broadband service for Affordable Connectivity Program (ACP) households in Guam and the Northern Mariana Islands that are affected by Typhoon Mawar, we find that it is in the public interest to temporarily waive through August 31, 2023, for ACP households in the Affected Disaster Areas, sections 54.1808(c)(1) and (2) and 54.1809(c) of the

²⁰ As noted above, the waiver period is through August 31, 2023. At the end of the waiver period, the subscriber will have 30 days (beginning on September 1, 2023) to use their Lifeline-supported service. If the subscriber does not use their Lifeline-supported service during that 30-day timeframe, they will enter their 15-day cure period on October 1, 2023.

²¹ 47 CFR §§ 54.405(e)(4), 54.410(f).

²² See 47 CFR § 54.405(e)(4) (requiring 60 days' notice to subscribers to respond to recertification efforts prior to de-enrollment).

Commission's rules²³ concerning the non-usage requirement and de-enrollment for non-usage, and sections 54.1806(f)(1) and (5) and 54.1809(d) of the ACP rules concerning the annual recertification and de-enrollment for failure to recertify.²⁴ Strict compliance with these rules may be impracticable and may risk harm to ACP subscribers who may be de-enrolled during the rebuilding and recovery efforts.²⁵

12. Under the ACP rules in sections 54.1808(c)(1) and (2) and 54.1809(c), participating providers offering an ACP service for which the household does not pay a monthly fee are required to certify that every such household has used its supported service at least once every consecutive 30 days, as usage is defined in section 54.407(c)(2) of the Commission's rules, in order to claim ACP reimbursement for discounted ACP service for a specific subscriber in a given service month.²⁶ Providers

²³ 47 CFR §§ 54.1808(c)(1), (2), and 54.1809(c). We make clear that the temporary waiver of these rules does not waive the language in section 54.1808(c)(2) that allows providers to seek reimbursement only after the subscriber activates their ACP service.

²⁴ 47 CFR §§ 54.1806(f)(1), (5), 54.1809(d). As with Lifeline, we note that TeleGuam requests a 90-day extension of the ACP recertification timeline for its subscribers. *TeleGuam Emergency Petition* at 10-11. For ACP as well, we do not believe that the situation calls for such a lengthy extension to what is already a 60-day process for consumers. As such, we believe a further 60 days is appropriate. Additionally, we believe that any such support should be available to all ACP subscribers in Guam and the Northern Mariana Islands. Also as with Lifeline, we note that the items in TeleGuam's petition not acted on today remain pending. *See TeleGuam Emergency Petition* at 7-8, 10-11 (requesting modifications to the programs that qualify consumers for ACP, the options for support, and the time periods in which service providers need to file claims for reimbursement from the ACP).

²⁵ *See Schools and Libraries Universal Service Support Mechanism, Rural Health Care Universal Service Support Mechanism, Lifeline and Link Up Reform and Modernization, Universal Service Contribution Methodology*, CC Docket No. 02-6, WC Docket No. 02-60, WC Docket No. 11-42, WC Docket No. 06-122, *Order*, 32 FCC Rcd. 7456 (2017) (waiving certain E-rate, RHC, Lifeline and contribution rules and deadlines for areas impacted by Hurricanes Harvey, Irma, and Maria); *Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, *Order*, 32 FCC Rcd 6846 (2017) (waiving Lifeline rules for areas in Puerto Rico and the U.S. Virgin Islands impacted by Hurricane Irma); *Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, *Order*, 33 FCC Rcd 11236 (2018) (waiving Lifeline rules for areas in Florida impacted by Hurricane Michael); *Schools and Libraries Universal Service Support Mechanism, Rural Health Care Universal Service Support Mechanism, Lifeline and Link Up Reform and Modernization, Connect America Fund, Federal and State Joint Board on Universal Service High Cost Universal Service Support, Establishing Emergency Connectivity Fund to Close the Homework Gap, Emergency Broadband Benefit Program*, CC Docket No. 02-06, WC Docket No. 02-60, WC Docket No. 11-42, WC Docket No. 10-90, WC Docket No. 05-337, WC Docket No. 21-93, WC Docket No. 20-445, 36 FCC Rcd 13405 (WCB 2021) (waiving certain E-Rate, Rural Health Care, Lifeline, High Cost, Emergency Connectivity Fund, and Emergency Broadband Benefit rules and deadlines to assist participants and providers located in the areas affected by Hurricane Ida); *Schools and Libraries Universal Service Support Mechanism, Rural Health Care Universal Service Support Mechanism, Lifeline and Link Up Reform and Modernization, Universal Service Contribution Methodology, Establishing the Emergency Connectivity Fund to Close the Homework Gap, COVID-19 Telehealth Program, Affordable Connectivity Program*, CC Docket No. 02-6, WC Docket No. 02-60, WC Docket No. 11-42, WC Docket No. 06-122, WC Docket No. 21-93, WC Docket No. 20-89, WC Docket No. 21-450, *Order*, DA-22-998, 1 (WCB 2022) (waiving certain E-Rate, Emergency Connectivity Fund, Rural Health Care, COVID-19 Telehealth, Lifeline, and ACP rules and deadlines to assist participants and service providers, including Universal Service Fund contributors located in the areas affected by Hurricane Fiona); *Schools and Libraries Universal Service Support Mechanism, Rural Health Care Universal Service Support Mechanism, Lifeline and Link Up Reform and Modernization, Universal Service Contribution Methodology, Establishing the Emergency Connectivity Fund to Close the Homework Gap, COVID-19 Telehealth Program, Affordable Connectivity Program, Connect America Fund*, CC Docket No. 02-6, WC Docket No. 02-60, WC Docket No. 11-42, WC Docket No. 06-122, WC Docket No. 21-93, WC Docket No. 20-89, WC Docket No. 21-450, WC Docket No. 10-90, *Order*, DA-22-1063, 1 (WCB 2022) (waiving certain E-Rate, Emergency Connectivity Fund, Rural Health Care, COVID-19 Telehealth, Lifeline, High Cost, and ACP rules and deadlines to assist participants and service providers, including Universal Service Fund contributors, located in the areas affected by Hurricane Ian).

²⁶ 47 CFR § 54.1808(c)(1) and (2).

cannot claim support for, and must de-enroll, subscribers who do not cure their non-usage during the 15-day cure period.²⁷ We recognize that power and service outages caused by Typhoon Mawar may interfere with a household's ability to use their ACP-supported service, perhaps for an extended period of time. Allowing participating providers in Guam and the Northern Mariana Islands to maintain service for these ACP households as they experience the aftermath of the typhoon, and claim reimbursement for the service provided to them, helps to ensure that these households are not de-enrolled from the program during the limited waiver period when it may be impossible for them to use their ACP-supported service. It will also ensure that subscribers who lose service due to Typhoon Mawar will be able to regain access to their ACP-supported service when it again becomes available to them. After the expiration of the waiver period, ACP subscribers who are subject to the non-usage rule will have 30 days to use their ACP service for the purposes of sections 54.1808(c)(1) and (2) of the Commission's rules, and 15 days to cure any non-usage.²⁸ ACP providers in Guam and the Northern Mariana Islands that are unable to comply with the ACP non-usage and related de-enrollment requirements at the end of this period for specific households may request additional, narrowly tailored relief from these requirements from the Bureau.

13. We find it is also in the public interest to temporarily waive sections 54.1806(f)(1) and (5), and 54.1809(d), of the Commission's rules for ACP subscribers in Guam and the Northern Mariana Islands who would have been required to respond to recertification outreach during the waiver period.²⁹ Waiver of these rules will allow USAC and providers serving ACP subscribers in the Affected Disaster Areas additional time to complete the annual recertification process. Disruptions to electricity and communication services resulting from the typhoon could make it difficult, if not impossible, for ACP subscribers in Guam and the Northern Mariana Islands to receive and respond to recertification requests and reminders during the waiver period. After the waiver period ends on August 31, 2023, pursuant to section 54.1809(d) of the ACP rules, ACP-only households will have 60 days to respond to recertification outreach by USAC or their service provider as applicable.³⁰ Where USAC or the participating provider has already conducted recertification outreach to an ACP subscriber in Guam and the Northern Mariana Islands, after the end of the waiver period, new outreach should be sent to these subscribers within 14 days of the waiver period ending on August 31, 2023, and such subscribers should have an additional 60 days to complete their recertification activity.³¹

14. Under the ACP rules, qualifying households that are enrolled in both the ACP and Lifeline may rely on a successful Lifeline recertification to satisfy the annual ACP recertification

²⁷ 47 CFR § 54.1808(c)(1) and (2) and 54.1809(c).

²⁸ As noted above, the waiver period is through August 31, 2023. At the end of the waiver period, the subscriber will have 30 days (beginning on September 1, 2023) to use their Lifeline-supported service. If the subscriber does not use their Lifeline-supported service during that 30-day timeframe, they will enter their 15-day cure period on October 1, 2023.

²⁹ During the waiver period, USAC may continue to check the continued eligibility of ACP households in Guam and the Northern Mariana Islands using the database connections through the National Verifier to the extent that access to those databases has not been impacted by the typhoon. For these automated database checks, USAC is able to verify the continued eligibility of households enrolled in the ACP without any action on the part of the subscriber. During the waiver period, participating providers that are required to recertify their ACP subscribers under the ACP rules may similarly use any permitted eligibility confirmation mechanisms or methods that do not require affirmative action on the part of the subscribers. During the temporary waiver period, participating providers and USAC should otherwise cease any recertification measures that require affirmative action from ACP-households. USAC and participating providers may resume such recertification measures steps after the end of the waiver period.

³⁰ 47 CFR § 54.1809(d).

³¹ For the ACP, unlike Lifeline, in certain circumstances participating providers and not USAC are responsible for conducting the required ACP annual recertification. *See* 47 CFR § 54.1806(f)(1) (outlining when USAC and when service providers, respectively, conduct ACP recertifications).

requirement.³² Households that are enrolled in both programs who do not pass Lifeline recertification still have an opportunity to demonstrate that they qualify for the ACP, if required, after completion of the Lifeline recertification process.³³ Households that are enrolled in both Lifeline and the ACP, and that do not pass their Lifeline recertification for calendar year 2023, will be afforded time to demonstrate their continued eligibility for the ACP even if this extends into 2024.³⁴ We expect USAC and participating providers to start the recertification process for such subscribers in Guam and the Northern Mariana Islands within 14 days of the waiver period ending on August 31, 2023. To the extent that an ACP subscriber (whether enrolled in the ACP only or in both the ACP and Lifeline) successfully completes their recertification process in 2024, they would not be required to undergo ACP recertification again in 2024.

C. E-Rate Program³⁵

15. For applicants and service providers located in the Affected Disaster Areas, we waive, on a temporary basis, the following E-Rate Program rules: (1) the 60-day deadline to file appeals and requests for waiver; (2) the deadline to file FCC Forms 486, 472, and 474; (3) the June 30, 2023 service implementation deadline for special construction services; (4) portions of the service and equipment substitution rule; and (5) document retention and production requirements for participating E-Rate applicants and service providers whose documents were destroyed by Typhoon Mawar.

16. *E-Rate Program Deadlines.* For schools and libraries located in the Affected Disaster Areas, we waive, on an emergency interim basis, the following deadlines that may occur after the effective date of this Order,³⁶ and provide those affected with up to 150 calendar days from the effective date of this Order to submit the required filing:³⁷

- Requests for review or waiver of decisions by USAC, directed to USAC or the Commission.³⁸
- Filing FCC Form 486 (Receipt of Service Confirmation and Children’s Internet Protection Act (CIPA) Certification Form).³⁹

³² 47 CFR § 54.1806(f)(1).

³³ As explained in the *Affordable Connectivity Program Order*, there are a few differences in the eligibility criteria between the Lifeline Program and the ACP. See *Affordable Connectivity Program*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket Nos. 21-450, 20-445, 37 FCC Rcd 484, 527, para. 86, & n. 248 (2022) (*Affordable Connectivity Program Order*). Accordingly, if a household enrolled in both programs does not pass Lifeline recertification, this would not automatically render that household ineligible for the ACP. See *id.*

³⁴ See *Affordable Connectivity Program Order*, 37 FCC Rcd at 527, para. 86 (“Where a household enrolled in both Lifeline and the Affordable Connectivity Program does not respond or fails recertification for Lifeline, the subscriber will still have an opportunity to demonstrate their continued eligibility for the Affordable Connectivity Program.”); 47 CFR § 54.1809(d) (giving ACP subscribers a 60-day deadline to respond to recertification efforts).

³⁵ The E-Rate program is formally known as the schools and libraries universal service support mechanism.

³⁶ E-Rate program participants located in the Affected Disaster Areas who may have already missed these deadlines due to damage or disruption caused by Typhoon Mawar may submit the required filings up to 150 calendar days from the release date of this Order.

³⁷ We note that USAC has already suspended many of its administrative deadlines for applicants in the Affected Disaster Areas pursuant to its natural disaster procedures.

³⁸ 47 CFR §§ 1.106, 54.720. Parties who rely on this waiver as a basis for filing their request for review or waiver beyond the required deadline should indicate such basis in their filing.

³⁹ Instructions for Completing the Schools and Libraries Universal Service, Receipt of Service Confirmation Form (FCC Form 486), OMB 3060-0853 at 4; see also *Federal-State Joint Board on Universal Service, Children’s Internet Protection Act*, CC Docket No. 96-45, Order, 17 FCC Rcd 12443, 12445, para. 5 (2002).

- Filing FCC Form 472 (Billed Entity Applicant Reimbursement (BEAR) Form) and FCC Form 474 (Service Provider Invoice Form).⁴⁰

17. *Service Implementation Deadline Extensions.* Additionally, we find that good cause exists to waive the service implementation deadline for special construction services, subject to the limitations herein, for applicants located in the Affected Disaster Areas that have a deadline of June 30, 2023. We find that the extensive damage to property, facilities, and resources resulting from Typhoon Mawar will make it impossible for some applicants in the Affected Disaster Areas to complete special construction and light the new fiber by this date, and that service installation and construction efforts may continue to be delayed or impaired as communities in the Affected Disaster Areas work to recover and rebuild. Accordingly, we extend this deadline to June 30, 2024, subject to the applicant filing a valid FCC Form 500 certifying that construction for the special construction project was unavoidably delayed due to damage caused by Typhoon Mawar.⁴¹ Although we do not otherwise extend the service delivery deadline for other non-recurring services, to the extent individual applicants may have been impacted by Typhoon Mawar and are consequently not able to meet this deadline, we note that such applicants may seek a waiver of the extension of the service implementation deadline for non-recurring services and make the required showing under the Commission’s rules for such relief.⁴²

⁴⁰ 47 CFR § 54.514(a). Given the significant damage inflicted by Typhoon Mawar, consistent with precedent we find that extraordinary circumstances exist warranting a waiver of the invoice filing deadline. *See Schools and Libraries Universal Service Support Mechanism; Rural Health Care Universal Service Support Mechanism; Lifeline and Link Up Reform and Modernization; Universal Service Contribution Methodology*, CC Docket No. 02-6, WC Docket No. 02-60, 11-42, and 06-122, Order, 32 FCC Rcd 7456, 7458, n.13 (WCB 2017) (*Hurricanes Harvey, Irma and Maria Order*) (waiving E-Rate invoice deadline for areas impacted by Hurricanes Harvey, Irma, and Maria); *Schools and Libraries Universal Service Support Mechanism; Rural Health Care Universal Service Support Mechanism; Lifeline and Link Up Reform and Modernization; Connect America Fund; High-Cost Universal Service Support Mechanism; Establishing Emergency Connectivity Fund to Close the Homework Gap; Emergency Broadband Benefit Program*, CC Docket No. 02-6, WC Docket Nos. 02-60, 11-42 10-90, 05-337, 21-93, and 20-445, Order, 36 FCC Rcd 13405, 13407-08, at para. 5 (WCB 2021) (*Hurricane Ida Order*) (waiving the E-Rate invoice filing deadline for areas impacted by Hurricane Ida); *Schools and Libraries Universal Service Support Mechanism; Establishing the Emergency Connectivity Fund to Close the Homework Gap; Rural Health Care Universal Support Mechanism; COVID-19 Telehealth Program; Universal Service Contribution Methodology; Lifeline and Link Up Reform and Modernization; Affordable Connectivity Program*, CC Docket No. 02-6; WC Docket Nos. 21-93, 02-60, 20-89, 06-122, 11-42, 21-450, Order, DA 22-998, 2022 WL 4483167, at *4, para. 5 (rel. Sept. 22, 2022) (*Hurricane Fiona Order*) (waiving the E-Rate invoice filing deadline for areas impacted by Hurricane Fiona); *Schools and Libraries Universal Service Support Mechanism; Establishing the Emergency Connectivity Fund to Close the Homework Gap; Rural Health Care Universal Support Mechanism; COVID-19 Telehealth Program; Universal Service Contribution Methodology; Lifeline and Link Up Reform and Modernization; Affordable Connectivity Program; Connect America Fund*, CC Docket No. 02-6; WC Docket Nos. 21-93, 02-60, 20-89, 06-122, 11-42, 21-450, 10-90, Order, DA 22-1063, 2022 WL 6351643 (rel. Oct. 4, 2022) (*Hurricane Ian Order*) (waiving the E-Rate invoice filing deadline for areas impacted by Hurricane Ian); *see also Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd at 8965-66, paras. 238-40 (2014).

⁴¹ *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Second Report and Order and Order on Reconsideration, 29 FCC Rcd 15538, 15550, 15558, paras. 37, 49 (2014) (*Second 2014 E-Rate Order*). The applicant may file the FCC Form 500 any time before June 30, 2023.

⁴² An applicant may request an extension of the service implementation deadline for non-recurring services from USAC if, for example, the applicant’s service provider is unable to complete implementation for reasons beyond the service provider’s control. 47 CFR § 54.507(d)(4)(iii); *see, e.g., Federal-State Joint Board on Universal Service; Schools and Libraries Universal Service Support Mechanism; Rural Health Care Support Mechanism; Lifeline and Link-Up*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60 and 03-109, Order, 20 FCC Rcd 16883, 16904, para. 40, n.110 (2005) (*Hurricane Katrina Order*) (stating that a program applicant may request an extension of the implementation deadline for funding requests when the applicant’s service provider is unable to complete implementation for “reasons beyond the service provider’s control” such as Hurricane Katrina); *see also Request for*

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18. *Service and Equipment Substitutions.* Consistent with precedent,⁴³ we will also provide increased flexibility for service and equipment substitutions in the Affected Disaster Areas.⁴⁴ Section 54.504(d) of the Commission’s rules allows USAC to grant a request by an applicant to substitute a service or product for another where: (a) the service or product has the same functionality;⁴⁵ (b) the substitution does not violate any contract provision or state or local procurement laws; (c) the substitution does not result in an increase in the percentage of ineligible services or functions; and (d) the applicant certifies that the requested change is within the scope of the controlling FCC Form 470.⁴⁶ For applicants located in the Affected Disaster Areas that need to replace services or product(s) that have been disrupted, destroyed, or rendered unusable by Typhoon Mawar, we waive this rule to exclude the requirement that the substituted service or product(s) must have the same functionality as the service or product that it is replacing.⁴⁷ This will allow applicants in the Affected Disaster Areas maximum flexibility to substitute services and product(s) based on their local needs without being constrained by categories of service or service types (e.g., applicants may substitute Internet access service with internal connections and vice versa),⁴⁸ so that they may use already approved E-Rate funding to replace damaged or destroyed

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Review/Waiver of the Decision of the Universal Service Administrator by Accelerated Charter et al.; Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, 29 FCC Rcd 13652, 13652-53, para. 2 (WCB 2014) (allowing extensions of the deadline for service implementation when applicants demonstrated they were unable to complete implementation on time for reasons beyond the service providers’ control).

⁴³ See, e.g., *Hurricanes Harvey, Irma, and Maria Order*, 32 FCC Rcd at 9543-44, para. 10 (providing increased flexibility for E-Rate program service substitutions in the wake of Hurricanes Harvey, Irma, and Maria); *Hurricane Ida Order*, 36 FCC Rcd at 13409, para. 8 (providing increased flexibility for E-Rate program service substitutions following the aftermath of Hurricane Ida); *Hurricane Fiona Order*, 2022 WL 4483167 at *5-6, para. 8 (providing increased flexibility for E-Rate program service substitutions following the aftermath of Hurricane Fiona); *Hurricane Ian Order*, 2022 WL 6351643 at *5-6, para. 8 (providing increased flexibility for E-Rate program service substitutions following the aftermath of Hurricane Ian).

⁴⁴ However, we deny the Petitioner’s request for an extension to request site and service substitutions, as well as their request for an extension of the funding application filing window. Instead, we believe the increased flexibility allowed by waiving section 54.504(d)(1)(i) of the Commission’s rules will allow applicants to request and receive the equipment and services that are now needed in light of the damage caused by Typhoon Mawar.

⁴⁵ The Commission previously determined that an equipment or service substitution request does not have the same functionality if it “changes the type of service requested pursuant to the original funding request from one category to another (e.g., a change from telecommunications service to internal connections, or a change from Internet access to telecommunications service).” *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Third Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 26912, 26925, n.82 (2003).

⁴⁶ 47 CFR § 54.504(d)(1)(iv).

⁴⁷ 47 CFR § 54.504(d)(1)(i). We remind applicants that they may only request service and equipment substitutions if the implementation deadline for the service or product to be replaced has not passed. See, e.g., 47 CFR § 54.507(d)(1), (d)(4); see also *Second 2014 E-Rate Order*, 29 FCC Rcd at 15550, 15558, paras. 37, 49.

⁴⁸ In some cases, replacing one type of service with another may require applicants to switch service providers. The Commission’s rules permit applicants to do so when: (a) it is allowed under an applicant’s state and local procurement rules; (b) it is allowed under the terms of any contract between the applicant and its original service provider; (c) the applicant has notified its original service provider of its intent to change service providers; (d) there is a legitimate reason to change providers (e.g., the service provider is unable to perform the requested services); and (e) the newly selected service provider received the next highest point value in the original bid evaluation. See *Schools and Libraries Universal Service Support Mechanism, et al.*, CC Docket Nos. 02-6, et al., Sixth Report and Order, 25 FCC Rcd 18762, 18803, para. 91, n.272 (2010) (*Schools and Libraries Sixth Report and Order*) (citing *Request for Review by Copan Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, Order, CC Docket Nos. 96-45 and 97-21, 15

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products(s) and restore services, subject to the limitations stated herein.⁴⁹ We believe this additional flexibility will allow applicants, given their specific understanding of their circumstances, to use E-Rate funding in ways that best meet their needs. The flexibility conferred by this measure effectively waives section 54.504(d)(1)(i) of the Commission's rules while keeping the remaining aspects of our service and equipment substitution rule intact. Applicants must continue to ensure that a service and/or equipment substitution: (a) does not violate any contract provisions;⁵⁰ (b) does not violate state or local procurement laws; (c) does not result in an increase in the percentage of ineligible services or functions; and (d) is within the scope of an FCC Form 470.⁵¹ Applicants must also request approval of service and/or equipment substitutions by submitting a service and/or equipment substitution request to USAC.

19. *Document Retention and Production.* We also recognize that applicants and service providers in the Affected Disaster Areas may have lost records in the destruction caused by Typhoon Mawar. We waive section 54.516(a) of our rules with respect to such destroyed records, which requires schools, libraries, consortia, and service providers to retain all documents related to their application for at least 10 years after the latter of the last day of the applicable funding year or the service delivery deadline for the funding request.⁵² Applicants and service providers will not be penalized for failure to retain records destroyed by Typhoon Mawar. Applicants and service providers that rely on this waiver as a basis for not retaining or producing records, upon request from USAC or the Commission, will be required to certify that the records, and any copies of such records, were destroyed by Typhoon Mawar. Additionally, applicants and service providers are responsible for obtaining such records, where available, from a third party upon request by USAC or the Commission. We note that the record retention requirements under our rules continue to apply to all records that were not destroyed by Typhoon Mawar, including records relating to any relief granted by this Order.

20. We find that the significant property damage, power outages, and disruptions in services caused by Typhoon Mawar in the Affected Disaster Areas constitute extremely unusual circumstances warranting the temporary waiver of the rules and procedures described above. We find that a 150-day waiver period for the filing deadlines listed above and other relief granted by this Order are appropriate measures to accommodate the extraordinary circumstances caused by Typhoon Mawar, while continuing to protect program integrity. Applicants or service providers in the Affected Disaster Areas that are unable to comply with these program deadlines or procedures at the end of this period may request additional, narrowly tailored relief from these or other requirements from the Bureau.

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FCC Rcd 5498 (2000) (*Copan Order*), and stating that the new requirements are in addition to those outlined in the *Copan Order*).

⁴⁹ Beginning in Funding Year 2021, school districts and library systems are permitted to transfer equipment between schools within a district and libraries within a system without notifying USAC of the transfer. See 47 CFR § 54.513(d); *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Report and Order, 34 FCC Rcd 11219, 11238-39, para. 49 (2019). However, both the transferor and recipient must maintain detailed records documenting the transfer and the reason for the transfer for a period of five years as required by the Commission's rules. 47 CFR § 54.513(d).

⁵⁰ The additional flexibility provided for applicants located in the Affected Disaster Areas seeking substitutions for services and products damaged by Typhoon Mawar is not intended to invalidate any contracts between applicants and service providers. Applicants are solely responsible for ensuring that requested equipment and service substitutions are permitted under their agreements with service providers.

⁵¹ 47 CFR § 54.504(d). In the event that an equipment or service substitution results in a change in the pre-discount price for the supported equipment or service, support is based on the lower of either the pre-discount price of the equipment or service for which support was originally requested or the pre-discount price of the new, substituted equipment or service. See 47 CFR § 54.504(d)(2).

⁵² 47 CFR § 54.516(a).

D. Rural Health Care Program

21. For health care providers and service providers located in the Affected Disaster Areas, we waive, on a temporary basis, the following Rural Health Care (RHC) Program rules: (1) the 60-day deadline to file appeals and requests for waiver; (2) the 14-day deadline to respond to USAC information requests; (3) the five-year documentation retention and production rules for participating health care providers and service providers whose documents were destroyed by Typhoon Mawar; (4) the service delivery deadline for non-recurring services; and (5) the invoice filing deadline.

22. *Deadline for Appeals and Requests for Waiver.* We waive and extend the 60-day deadlines in section 54.720(b) of the Commission's rules for requests for review or waiver of decisions by USAC or directed to USAC or the Commission.⁵³ TeleGuam states that the disruptions caused by Typhoon Mawar will continue to impact health care providers and service providers for an indefinite period of time.⁵⁴ We find that waiving the deadlines for health care providers and service providers in the Affected Disaster Areas for filing appeals and waivers is an appropriate measure to accommodate the extraordinary circumstances caused by Typhoon Mawar. Any harm in providing a filing deadline extension is outweighed by the significant public interest benefits derived from giving petitioners, participants, and other service providers additional time to submit their filings. To reduce the burden on affected service providers, we direct USAC to automatically provide affected service providers with an additional 150 days to file appeals and waivers. This waiver will be in effect for all deadlines of appeals and waiver requests from May 22, 2023 through 150 calendar days from the release of this Order.

23. *Response Time for USAC Information Requests.* We waive the 14-day deadline for applicants in the affected areas to respond to information requests from USAC.⁵⁵ TeleGuam states that health care providers in the Affected Disaster Areas have diverted their administrative resources in response to Typhoon Mawar or have been unable to access facilities, which impedes their ability to respond timely to required regulatory deadlines.⁵⁶ We therefore find that waiving the 14-day response time for USAC information requests is an appropriate response. This waiver applies to information requests related to funding requests, appeals and waivers, invoices, audits, and other documentation submitted by RHC Program participants, and will apply to all information requests with a deadline on or after May 22, 2023 regardless of the funding year for which those requests relate. We provide affected health care providers and service providers with up to 150 calendar days from the effective date of this Order to respond to information requests from USAC.

24. *Document Retention and Production.* We also recognize that applicants and service providers in the Affected Disaster Areas may have lost records in the destruction caused by Typhoon Mawar. With respect to such destroyed records, we waive section 54.631(b) of the Commission's RHC Program rules, which requires health care providers and service providers to retain all documents specified by the rule for at least five years after the last day of the delivery of supported services in a given funding year.⁵⁷ Program participants will not be penalized for failure to retain records destroyed by the typhoon. Applicants and service providers are responsible, however, for obtaining such records, where available, from a third party upon request by USAC or the Commission. Program participants that rely on this waiver as a basis for not retaining or producing records upon request from USAC or the Commission will be required to certify that the records, and any copies of such records, were destroyed by Typhoon Mawar. We note that the record retention requirements under our rules continue to apply to

⁵³ 47 CFR § 54.720(a)-(b).

⁵⁴ *TeleGuam Emergency Petition*, at 12.

⁵⁵ *See Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 30 FCC Rcd 230, 230, para. 1 (2015).

⁵⁶ *TeleGuam Emergency Petition*, at 12.

⁵⁷ 47 CFR § 54.631(b).

all records that were not destroyed by the typhoon, including records relating to any relief granted by this Order.

25. *Service Delivery Deadline.* We next waive section 54.626(a) to automatically grant a one-year extension of the service delivery deadline for non-recurring services for all funding year 2022 funding requests from health care providers in the Affected Disaster Areas. Section 54.626(a) provides that, with certain exceptions, RHC Program participants must use all recurring and non-recurring services for which RHC Program funding has been approved by June 30 of the funding year for which the program support was sought.⁵⁸ RHC Program participants may request and receive from USAC a one-year extension of the implementation deadline for non-recurring services if it satisfies one of a series of criteria, including cases where a service provider is unable to complete implementation for reasons beyond the service provider's control.⁵⁹ As the damage caused by Typhoon Mawar manifestly qualifies as a circumstance beyond the control of service providers, we find that waiving the service delivery deadline is an appropriate response. To reduce the burden on participants, we direct USAC to automatically provide participants until June 30, 2024 to use all non-recurring services for which RHC Program funding has been approved.

26. *Invoice Filing Deadline.* We also waive section 54.627(a) to automatically grant a 120-day extension of the invoice filing deadline for all funding year 2022 funding requests from health care providers in the Affected Disaster Areas. Section 54.627(a) requires that RHC Program participants submit invoices to USAC within 120 days after the later of: (1) the service delivery deadline; or (2) the date of a revised funding commitment letter issued pursuant to an approved post-commitment request made by the applicant or service provider or a successful appeal of a previously denied or reduced funding request.⁶⁰ RHC Program participants may request a one-time extension of the invoice filing deadline.⁶¹ If the extension is timely requested, USAC is required to grant a 120-day extension.⁶² We find that extending the invoice deadline is an appropriate measure to accommodate the extraordinary circumstances caused by Typhoon Mawar, and that the significant public interest benefits derived from extending the deadline outweigh any possible harm from such relief. To reduce the burden on participants, we direct USAC to automatically provide participants in the Affected Disaster Areas with a 120-day extension to submit their invoices without it being requested.

E. High Cost Program

27. *Temporary Waiver of Annual High-Cost Report Deadline.* We grant, *sua sponte*, a temporary 30-day waiver of the July 3, 2023 deadline for recipients of high-cost support in Guam and the Northern Mariana Islands to file their annual report.⁶³ Pursuant to section 54.313 of the Commission's rules, eligible telecommunications carriers (ETCs) receiving high cost support must file certain financial and operational information by July 1st on an annual basis (or the next business day if July 1st falls on a

⁵⁸ 47 CFR § 54.626(a).

⁵⁹ 47 CFR § 54.627(b). The criteria are: (1) applicants whose funding commitment letters are issued by USAC on or after March 1 of the funding year for which discounts are authorized; (2) applicants that receive service provider change authorizations or site and service authorizations from USAC on or after March 1 of the funding year for which discounts are authorized; (3) applicants whose service providers are unable to complete implementation for reasons beyond the service provider's control; and (4) applicants whose service providers are unwilling to complete delivery and installation because the applicant's funding request is under review by USAC for program compliance. *Id.*

⁶⁰ 47 CFR § 54.627(a).

⁶¹ 47 CFR § 54.627(b).

⁶² *Id.*

⁶³ *See* 47 CFR § 54.313.

weekend).⁶⁴ Here, to alleviate burdens consistent with the rationale in this Order, we extend the deadline to August 2, 2023.⁶⁵

F. Contributions

28. To provide further relief for affected companies, we waive additional rules and requirements for affected contributors to the USF. We find that good cause exists to waive these rules and requirements, subject to the limitations herein, for all contributors serving Guam and the Northern Mariana Islands. The extensive damage to property and facilities by Typhoon Mawar has caused significant disruption to operations in Guam and the Northern Mariana Islands. We find that these circumstances warrant a temporary waiver of the contributions rules and requirements described below. We have taken similar action under extreme circumstances in the past,⁶⁶ and find that granting this emergency relief will help to temporarily alleviate burdens on service providers in the Affected Disaster Areas.

29. *Form 499-Q Deadlines and Late Fees.* First, we extend the 45-day revision deadline for FCC Form 499-Q filings made on May 1, 2023 and those that will be made on August 1, 2023 by contributors serving the Affected Disaster Areas. Extending these deadlines will allow USAC to recalculate the contribution obligations for affected providers to immediately reflect the effect of Typhoon Mawar on contributor revenues rather than having to wait until next year's FCC Form 499-A true-up process. We direct USAC to accept revisions to these filings until October 1, 2023. For those carriers that seek to revise their May 2023 and August 2023 FCC Form 499-Qs after October 1, 2023, the Bureau will consider requests for an extension of the revision deadline on a case-by case basis.

30. Next, we temporarily waive sections 54.713(b)-(c) of the Commission's rules for providers located in the Affected Disaster Areas.⁶⁷ We direct USAC to refrain from assessing late fees on FCC Form 499-Q filings made by these providers after the upcoming August 1 filing deadline until October 1, 2023.⁶⁸ We extend this temporary waiver to consultants and third-party preparers that are based in the Affected Disaster Area and whose operations have sustained damage due to Typhoon Mawar, thus preventing them from meeting the August 1, 2023 FCC Form 499-Q deadline. We find that this temporary waiver will prevent these groups whose operations have been substantially impacted by Typhoon Mawar from being unfairly penalized for missing this filing deadline. We additionally direct USAC to refrain from assessing interest and penalties incurred by affected contributors until after October 1, 2023.⁶⁹ For those providers that are unable to file the FCC Form 499-Q prior to October 1, 2023, the Bureau will consider requests for an extension of the filing deadline on a case-by case basis.

⁶⁴ *Id.*

⁶⁵ We note that TeleGuam Holdings, LLC's petition for waiver seeks relief related to high-cost support that we do not address here. Those requests remain pending. See *TeleGuam Emergency Petition*, at 12-16. We also note when specifically requested, we will consider relief related to Connect America Fund Broadband Loop Support obligations. *Id.* at 14.

⁶⁶ See, e.g., *Schools and Libraries Universal Service Support Mechanism, et al.*, Order, 32 FCC Rcd 7456 (2017) (waiving certain E-Rate, Rural Health Care, Lifeline, and contribution rules and deadlines to assist schools, libraries, healthcare providers, Lifeline Program participants, and contributors affected by Hurricanes Harvey, Irma, and Maria).

⁶⁷ 47 CFR § 54.713(b)-(c).

⁶⁸ 47 CFR § 54.713(c). We direct USAC to utilize Line 109 of the FCC Form 499-A to determine whether a provider's headquarters is located in the Affected Disaster Areas.

⁶⁹ 47 CFR § 54.713(b). See also 31 CFR § 901.9(g) (permitting an agency to waive interest, penalties, and administrative costs on debts owed to the United States "if the agency determines that collection of these charges is against equity and good conscience or is not in the best interest of the United States").

31. *Form 499-A Filing Deadline Extension.* Finally, TeleGuam seeks a 150-day extension of upcoming FCC Form 499-A and FCC Form 499-Q filing deadlines.⁷⁰ Because we have directed USAC to not assess interest or penalties on contributors that file the FCC Form 499-Q late, it is not necessary to provide a 150-day extension of the filing deadline. Additionally, in similar circumstances we have not waived the FCC Form 499-A filing deadline for contributors in affected areas and as such deny the request to extend the filing deadline for the 2024 FCC Form 499-A.

G. Protecting Program Integrity

32. We are committed to protecting the integrity of the Lifeline, Affordable Connectivity, E-Rate, Rural Health Care, and High Cost programs (collectively, FCC programs). Although we grant the limited waivers described herein, program participants, service providers, and USF contributors remain otherwise subject to audits and investigations to determine compliance with FCC program rules and requirements. We will require USAC to recover funds through its normal process that we discover were not used properly. We emphasize that we retain the discretion to evaluate the uses of monies disbursed through the FCC programs and to determine on a case-by-case basis that waste, fraud, or abuse of program funds occurred, and that recovery is warranted. Additionally, in the event we discover any improper activity resulting from our action today, we will subject the offending party to all available penalties at our disposal, including directing USAC to recover funds, assess retroactive fees and/or interest, or both. We remain committed to ensuring the integrity of the FCC programs under our own procedures and in cooperation with law enforcement agencies.

H. Telephone Numbering

33. Section 52.15(f)(1)(ii) limits a telecommunications service or interconnected VoIP provider's ability to "age" residential telephone numbers that have been disconnected for up to 90 days before assigning them to other customers.⁷¹ Waiver of section 52.15(f)(1)(ii) will allow service providers in Guam and the Northern Mariana Islands, upon customers' request, to disconnect temporarily customers' telephone service to avoid billing issues, and then reinstate the customers' same numbers when service is reconnected. This waiver is in effect immediately and for a nine-month period, expiring April 1, 2024.

34. Also, because of substantial damage to telecommunications systems we expect to be caused by Typhoon Mawar to areas within its path, we recognize that customers in the affected areas may wish to port numbers to locations outside their rate centers. To facilitate their customers' continued access to telecommunications service following the typhoon, we encourage service providers to port telephone numbers geographically outside a rate center, to the extent it is technically feasible. We also encourage all service providers in the areas affected by Typhoon Mawar to waive call forwarding, message center, and voicemail service charges for affected customers, to the extent lawfully permitted, until the customers' service is restored.

IV. ORDERING CLAUSES

35. ACCORDINGLY, IT IS ORDERED, pursuant to the authority in sections 1-4, 251(b)(2), 251(e), and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, 251(b)(2), 251(e), and 254, and sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 0.291, and 1.3, that sections 47 CFR §§ 52.16(f)(1)(ii), 54.405(e)(3)-(4), 54.407(c)(2), 54.410(f), 54.1806(f)(1) and (5), 54.1808(c)(1)-(2), 54.1809(c)-(d), 54.504(d)(1)(i), 54.514(a), 54.516(a), 54.626(a), 54.627(a), 54.631(b), 54.720(b), 54.313, and 54.713(b) and (c) ARE WAIVED to the extent provided herein.

⁷⁰ *TeleGuam Emergency Petition*, at 11.

⁷¹ 47 CFR § 52.15(f)(1)(ii).

36. IT IS FURTHER ORDERED, that pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Trent B. Harkrader
Chief
Wireline Competition Bureau